

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BAHRAM KHAMENEHPOUR,
FIROOZEH KHAMENEHPOUR,

No. C 06-07015 MHP

Plaintiffs,

MEMORANDUM & ORDER

v.

**Re: Defendant's Motion for Summary
Judgment or, Alternatively, Summary
Adjudication**

ALLSTATE INSURANCE COMPANY and
DOES 1-50, inclusive,

Defendants.

Defendant Allstate Insurance Company has moved for summary judgment or, alternatively, summary adjudication, regarding the only remaining issue in this action, plaintiffs' punitive damages claim. To this date, plaintiffs have failed to file an opposition to the present motion or show cause why they are unable to do so. It is plaintiffs' duty to prosecute this action. A district court may dismiss an action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Link v. Wabash R.R., 370 U.S. 626, 633 (1962); McKeever v. Block, 932 F.2d 795, 797 (9th Cir. 1991).

It is hereby ordered that defendant's motion is deemed submitted on the papers and, as unopposed, the motion is GRANTED. This action is dismissed with prejudice. The clerk of the court shall close the file.

IT IS SO ORDERED.

Dated: May 13, 2009


MARILYN HALL PATEL
United States District Court Judge
Northern District of California